IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 111 of 1997

Between:

1. Rayasam Yasoda W/o R. Veereswara Sarma, R/o 23-23-28, Sivarao St. S.N.Puram, Vijayawada.
2. Annapragada Bhavani W/o Ramakrishna,Principal Sri Phanidra Vidyaniketan, Navuluru, Mangalagiri Mandal, Guntur District.

……. PETITIONERS.

AND

Vijayawada, Guntur, Tenali Urban Development Authority, rep. by its Chairman, Vijayawada.

.....RESPONDENT.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in seeking to demolish the building of the petitioner in Plot No.11 which is an extent of 337.3 Sq.Yds. in Navuluru Village D.Nos. 64-2 and 65-A as illegal, arbitrary and void and consequently direct the respondent not to demolish the petitioners said building.

Counsel for the Petitioner: MR.P.MADHUSUDHAN REDDY

Counsel for the Respondent.: MR.P.M.GOPAL RAO

The Court made the following :

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ORDER:

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The Writ Petition is filed to issue a Writ, Order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in seeking to demolish the building of the petitioners in plot No.11 in an extent of 337.3 sq.yds. in Navuluru village D.Nos.64-2 and 65-A as illegal, arbitrary and void and consequently direct the respondent not to demolish the said building.

2. It is stated that relating to the same subject matter, another Writ Petition No.15077 of 2002 was filed and the same was dismissed as withdrawn on 28-11-2002 . It is also represented that relating to the same subject matter, the petitioner herein filed a suit O.S.No.22 of 1997 on the file of Principal Junior Civil Judge, Mangalagiri which was dismissed. Not satisfied with the same, again, another suit O.S.No.110 of 2002 on the file of the Junior Civil Judge, Mangalagiri was filed and the same is pending disposal.

3. In view of the facts and circumstances of the case, especially in the light of the fact that already jurisdiction of the Civil Court had been invoked, and suit O.S.No.110 of 2002 on the file of Principal Junior Civil Judge, Mangalagiri is pending disposal, no further orders need be passed in the present Writ Petition. In the light of the same, the Writ Petition is hereby dismissed. No costs.

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P.S.NARAYANA, J.

26th November, 2004.

Dvs

1. Vijayawada, Guntur, Tenali Urban Development Authority, rep. By its Chairman, Vijayawada.

2. Two CDs copies.

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 111 of 1997

Dated 26th November, 2004